

FILED

IN THE UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 SAN ANTONIO DIVISION

APR 18 2019

CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY 290 DEPUTY CLERK

UNITED STATES OF AMERICA)

VS)

JOEL MARTINEZ (1))

CRIMINAL NO. 5:16-CR-138(1)-DAE

ORDER REVOKING SUPERVISED RELEASE
AND RE-SENTENCING DEFENDANT

On April 10, 2019, came on to be considered the United States' motion to revoke the Defendant's Supervised Release. After due hearing, including consideration of all statutorily-required factors and revocation policy statements, the Court finds that the Defendant has violated conditions of his supervised release as alleged by the United States, and that the ends of justice and the best interests of the public will not be served by continuing the Defendant on supervised release. Accordingly, for reasons pronounced by the Court and set forth in the motion to revoke,

IT IS ACCORDINGLY, ORDERED that the United States' motion to revoke supervised release is **GRANTED**, and that the term of supervised release imposed on March 17, 2017, is hereby revoked and set aside.

IT IS NOW THE ORDER AND SENTENCE of this Court that the defendant is remanded to the custody of the Bureau of Prisons to be imprisoned for a total term of **EIGHTEEN (18) MONTHS to run consecutively to any sentence received from Bexar County 144th Judicial District Court, San Antonio, Texas, case no 503040.** It is the Court's intention that the defendant not receive credit for time previously served on supervision. The defendant is continued in custody pending designation by the Bureau of Prisons.

This Court makes the following recommendation to the Federal Bureau of Prisons:

- 1) that the defendant be incarcerated at the facility in Bastrop, Texas
- 2) that the defendant participate in educational/vocational programs while in custody

Upon release from confinement, the defendant shall serve a term of **TEN (10) YEARS** supervised release. During the term of supervised release, Defendant shall abide by all mandatory and standard conditions adopted in the Court's November 28, 2016 Order.

In addition, the defendant shall abide by the following list of special conditions.

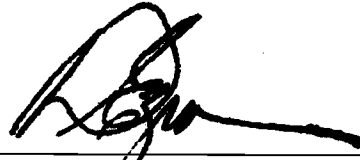
The defendant shall:

- 1) The defendant shall participate in a substance abuse treatment program and follow the rules and regulations of that program. The program may include testing and examination during and after program completion to determine if the defendant has reverted to the use of drugs. The probation officer shall supervise the participation in the program (provider, location, modality, duration, intensity, etc.). During treatment, the defendant shall abstain from the use of alcohol and any and all intoxicants. The defendant shall pay the costs of such treatment if financially able.
- 2) The defendant shall submit to substance abuse testing to determine if the defendant has used a prohibited substance. The defendant shall not attempt to obstruct or tamper with the testing methods. The defendant shall pay the costs of testing if financially able.
- 3) The defendant shall submit his or her person, property, house, residence, vehicle, papers, computers (as defined in 18 U.S.C. § 1030(e)(1)), other electronic communications or data storage devices or media, or office, to a search conducted by a United States probation officer. Failure to submit to a search may be grounds for revocation of release. The defendant shall warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that the defendant has violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search shall be conducted at a reasonable time and in a reasonable manner.

IT IS FURTHER ORDERED that any unpaid monetary sanctions previously imposed upon the defendant in this cause that remain unpaid are hereby re-imposed.

The Clerk shall provide the United States Marshal with a certified copy of this Order to be authority to said Marshal for his action in the premises.

Signed this 18th day of April, 2019.

A handwritten signature in black ink, appearing to read 'David A. Ezra', written over a horizontal line.

DAVID A. EZRA
SENIOR UNITED STATES DISTRICT JUDGE